

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 77114

Dennis Holbrook  
Shirley Holbrook

968 Lance Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 7, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, Zoning Commissioner's Policy Manual, failure to cease illegal scrap metal business on residential property zoned DR 5.5 known as 968 Lance Avenue, 21221.

On June 2, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 5, 2010 for removal of open dump/junk yard, illegal home occupation, remove trash and debris, cease scrapping business from this residential property. This Citation was issued on June 2, 2010.

B. Notes in the file by Inspector Christina Frink state that initial inspection on May 5 found a junked boat on the property in the process of being cut up, and also found a truck full of debris. Re-inspection on June 24, 2010 found the boat had been removed but a trailer on the rear of the property was full of junk and items for recycling, and a parked truck was full of junk and debris. Photographs in the file show the junk and debris as described. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. This also constitutes an open dump, which under the County's Zoning Regulations is not a permitted use on this property. BCZR Section 101.1 (Open Dump: "Any land ... on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse...")

C. This property is zoned Density Residential (D.R.) 5.5. The Baltimore County Code and Baltimore County Zoning Regulations significantly restrict the non-residential uses of properties in D.R. zones. BCZR Section 102.1 ("No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations..."); BCC Article 32, Title 3 (Planning, Zoning and Subdivision Control; Zoning); BCZR Section 1B01.1, General Use regulations in D.R. Zones. The zoning regulations do not permit use of residential property in a D.R. Zone for a junkyard, recycling or scrap metal business, and do not permit the operation of a business on this residential property.

D. It appears from the notes and photographs presented that Respondents have been improperly using this residential property for junkyard or scrap metal recycling business activities, and this Citation will be enforced. However, re-inspection on July 6, 2010, just prior to this Hearing, found the property clean; the only remaining indication of improper use was a pickup truck parked on the street with an old refrigerator in the back. Because compliance is the goal of code enforcement, the

civil penalty will be rescinded if re-inspection finds the code violations corrected, with no junk or debris being improperly stored outside and no junk business being operated from this residential property.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection between the date of this Hearing and October 1, 2010 finds the violations have been corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer